

REMARKS

Upon entry of this Amendment, claims 1-4 and 6-42 are pending in this case. Claims 4, 6, 19, 22, and 42 are amended by this Amendment, and claim 5 is canceled by this Amendment.

Specification

The Examiner objected to portions of the specification due to informalities. The first informality pointed out by the Examiner is found on page 2, line 1. The Applicants have amended the paragraph as suggested by the Examiner to correct a typographical error. The Applicants respectfully submit that this amendment overcomes the Examiner's objection.

The second informality pointed out by the Examiner is the reference to the material "nylon six" on page 3, lines 20-21 of the specification. The Examiner has suggested that the Applicants remove the word "six" following the word "nylon". However, the Applicants intended to use the term "nylon six" as an example of one type of material from which the claimed frame could be made. One of ordinary skill in the art would recognize that nylon six is a material suitable for injection molding this type of frame and that this was not a typographical error. Thus, Applicants respectfully submit that this use of the term "nylon six" is correct as it appears in the specification, and request withdrawal of the objection by the Examiner.

The third informality pointed out by the Examiner is the use of reference numerals 36A-36D on page 5, lines 12 and 14. Specifically, the Examiner requests that the reference numerals, when used on lines 12 and 14, be changed to 36B, 36C, 36A, and 36D, respectively. That portion of the specification reads as such: "The frame 10 also includes a side panel 46 integrally formed with and extending between the legs 36B, 36C. The side panel 46 assists in strengthening and balancing the frame 10 when the frame 10 is supported on the surface. The frame 10 also includes a second side panel 50 integrally formed with and extending between the legs 36A, 36D." The use of reference numerals 36B and 36C on line 12 is meant to delineate that the side panel 46 extends between those two legs (36B and 36C), while the second side panel 50 discussed in line 14 extends between legs 36A and 36D. The Applicants respectfully submit that these reference numerals are proper to differentiate between the side panel 46 and the second side panel 50, and that no correction is required. The Applicants respectfully request that the Examiner withdraw this objection.

Claim Informalities

The Examiner has rejected claim 42 due to a typographical error. The Applicants have amended claim 42 to change the word “and” found on line 2 to the word “an” as suggested by the Examiner. The Applicants respectfully request withdrawal of this claim objection.

112 Rejections

The Examiner has rejected claim 4 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Applicants have amended claim 4 to incorporate the limitations of claim 5 to recite that the base includes an aperture therein to receive a portion of the power unit. The Applicants respectfully submit that claim 4 as amended is sufficiently clear as to what structure the Applicants are trying to claim, and respectfully request that the Examiner withdraw the 112 rejection to claim 4. Claim 5 is thus canceled by this Amendment, and Claim 6 has been amended to correct the dependency based on the cancellation of claim 5.

102 Rejections

The Examiner has rejected claims 1, 4-7, 16, and 19 under 35 U.S.C. 102(e) as being anticipated by Wood, et al. (6,923,627). The Examiner states that Wood discloses an integrally formed stackable one-piece frame having a base, at least one leg, and an integrally formed handle. The Applicants respectfully disagree.

With reference to Fig. 8 of the Wood references, as well as to the version of Fig. 8 annotated by the Examiner and included on page 4 of the Office action, the Examiner points to the plate (not numbered) under the compressor tank 1-304 as the base/mounting plate. It is clear from a review of Fig. 8 as well as the specification that this base/mounting plate is not integrally formed with the legs and handle of the frame. Applicants’ claim 1 recites an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid including a base that supports a power unit, at least one leg that supports the base on a surface, and a handle that is used to move the frame from a first location to a second location. The base/mounting plate is not integrally formed with the handle, but rather is a separate stamped piece that is welded or somehow otherwise coupled to the frame. Further, there is no discussion in the specification that would

teach or suggest making the frame of Fig. 8 and integrally formed, one-piece unit. Thus, Wood does not teach or suggest each and every element of independent claim 1. The Applicants respectfully submit that independent claim 1 is allowable over Wood. Dependent claims 2-19 depend from claim 1 and are thus allowable for the same reasons as discussed with respect to claim 1, as well as for other reasons not discussed herein.

Claim 16 further recites that the handle of the frame of claim 1 includes a pair of downwardly extending support members form an acute included angle with the base in the YZ-plane. Claim 16 is allowable for the reasons discussed above with respect to claim 1. Claim 16 is also allowable over Wood as Wood does not teach or suggest a frame having a handle as claimed in claim 16. With reference to Fig. 1 of the Applicants' application, the handle includes a downwardly extending support member 66 that forms an angle H with respect to the base in the YZ-plane. The angle H is an acute angle. With respect to Fig. 8 of Wood, the downwardly extending portion of the handle 1-352 forms a substantially right angle with respect to the base plate identified by the Examiner. A right angle is not an acute angle. Thus, Wood does not teach or suggest each and every element of dependent claim 16. The Applicants respectfully submit that claim 16 is allowable for these reasons, as well as for other reasons not discussed herein.

Claim 19 as amended recites that the frame defines first and second angles that are obtuse with respect to the base in the XY-plane, and third and fourth angles that are acute with respect to an upper end of the handle in the XY-plane such that the frame is stackable. Claim 19 is allowable for the reasons discussed above with respect to claim 1. Claim 19 is also allowable over Wood as Wood does not teach or suggest a frame that is stackable as claimed in claim 19. With reference to Fig. 5 of the Applicants' application, the frame defines first and second angles A, B that are obtuse with respect to the base in the XY-plane, and third and fourth angles E, F that are acute with respect to the upper end of the handle in the XY-plane. These angles, which define, in part, the tapering of the handle of the Applicants' frame, allow a frame to be stacked with other frames before a power source or fluid delivery apparatus is added to the frame. Wood does not teach or suggest such a frame. There is no tapering of the Wood frame, and the Wood frame defines substantially right angles with respect to the base and upper end of the handle in the XY-plane. Wood does not teach or suggest a stackable frame. Thus, Wood does not teach or suggest each and every element of claim 19. The Applicants respectfully submit that claim 19 is allowable for these reasons, as well as for other reasons not discussed herein.

103 Rejections

The Examiner has rejected claims 2, 3, 12-15, 17, and 18 under 35 U.S.C. 103(a) as being unpatentable over Wood. Claims 2, 3, 12-15, 17, and 18 depend from claim 1 and are thus allowable for the reasons discussed above with respect to claim 1, as well as for other reasons not discussed herein.

In addition to the reasons discussed with respect to claim 1, claim 13 is allowable for additional reasons. Claim 13 recites a frame as in claim 1, the handle including a pair of downwardly extending support members that form an acute included angle with the base in the XY-plane. With reference to Fig. 5 of the Applicants' application, the handle includes downwardly extending members 62, 66 that each defines an angle (D and C, respectively) that is acute with respect to the base in the XY-plane. With reference to Fig. 8 of Wood, the Wood frame does not teach or suggest a frame having downwardly extending members that form the claimed angles. The downwardly extending portion of the handle 1-352 forms a substantially right angle with respect to the base plate identified by the Examiner in the XY-plane. A right angle is not an acute angle. Thus, Wood does not teach or suggest each and every element of dependent claim 13, nor is there any teaching in Wood to vary the design of the frame to define the claimed angle. The Applicants respectfully submit that claim 13 is allowable for these reasons, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 1, claim 17 is allowable for additional reasons. Claim 17 recites a frame as in claim 1, the at least one leg forming an obtuse included angle with the base in the XY-plane. Again, with reference to the Applicants' Fig. 5, the claimed angle is represented by angles A and B. With reference to the Wood frame, the legs defined by the Examiner form a substantially right angle with respect to the base. Thus, Wood does not teach or suggest each and every element of dependent claim 17, nor is there any teaching in Wood to vary the design of the frame to define the claimed angle. The Applicants respectfully submit that claim 17 is allowable for these reasons, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 1, claim 18 is allowable for additional reasons. Claim 18 recites a frame as in claim 1, the at least one leg forming an obtuse included angle with the YZ-plane. With reference to the Applicants' Fig. 1, the handle

defines an angle G with respect to the base in the YZ-plane. Angle G is obtuse with respect to the base. The Wood frame does not teach or suggest the obtuse angle, as the angle between the leg and the base in the YZ-plane is a substantially right angle. Thus, Wood does not teach or suggest each and every element of claim 18, nor is there any teaching in Wood to vary the design of the frame to define the claimed angle. The Applicants respectfully submit that claim 18 is allowable for these reasons, as well as for other reasons not discussed herein.

The Examiner has also rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Muiza (4,742,838). As discussed above, Wood does not teach or suggest an integrally formed one-piece frame. Muiza does not cure the deficiencies of Wood. Claim 8 depends from claim 1 and is thus allowable for the reasons discussed above with respect to claim 1, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 1, claim 8 is allowable for additional reasons. Claim 8 recites a frame wherein the at least one leg includes a support that engages the surface and defines a footprint of the frame, the handle having an upper end that defines a width such that the width of the upper end defines a footprint. The Examiner states that while Wood does not disclose such a footprint, Muiza teaches a frame having the claimed footprint and it would have been obvious to one of skill in the art at the time of the invention to combine the teachings of Muiza with the frame of Wood to result in the Applicants' claimed invention. The Applicants respectfully submit that the Examiner has failed to make the prima facie case of obviousness as there is no teaching or suggestion, either in the general knowledge of the art or in the references themselves, to combine the air compressor frame of Wood with a walker, as taught in Muiza.

Muiza teaches a walker device to be used by an invalid for assistance in walking. The walker device is designed to give the invalid greater mobility. The walker of Muiza and the frame of Wood are non-analogous art, as they are designed to serve different purposes and to solve different problems. One of ordinary skill in the art of frames for supporting a pressurized fluid device would not look to a walker device to solve any problems in the art. Put another way, one of ordinary skill would have no motivation to combine the references. The Applicants respectfully submit that the Examiner has failed to show motivation to combine the references outside of the Applicants' own disclosure and thus, that the combination of Wood and Muiza is

improper. Thus, the Applicants' respectfully submit that claim 8 is allowable over the cited references for the reasons discussed above, as well as for other reasons not discussed herein.

The Examiner has rejected claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Kolicheski, et al. (D465,624). As discussed above, Wood does not teach or suggest an integrally formed one-piece frame. Kolicheski does not cure the deficiencies of Wood. Claims 9-11 depend from claim 1 and are thus allowable for the reasons discussed above with respect to claim 1, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 1, claim 9 is allowable for other reasons. Claim 9 recites a frame as in claim 1, the handle including an integrally-formed accessory holder. The Examiner states that while Wood does not teach an integrally-formed accessory holder, such an accessory holder is taught by Kolicheski. The Applicants respectfully disagree.

Kolicheski is a design patent directed to a nozzle support coupled to a frame. While there is no description in Kolicheski regarding how the nozzle support is coupled to the frame, it appears that the nozzle support is not integrally formed with the handle, but is rather somehow otherwise attached to the frame. Thus, the combination of Wood and Kolicheski does not teach or suggest each and every element of claim 9, and claim 9 is allowable for the reasons discussed above, as well as for other reasons not discussed herein.

The Examiner has also rejected claims 20-22 and 24-33 under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Kolicheski, et al. Again, the Examiner stated that Wood teaches an integrally formed one-piece base having a base, first and second support members, and a handle. The Examiner goes on to argue that Kolicheski discloses a side panel integrally formed with and extending between the first and second base support members. For the same reasons discussed above with respect to claim 1, the Applicants respectfully disagree with the Examiner's rejection. Wood does not teach or suggest an integrally formed one-piece frame as claimed, as the base/mounting plate of Wood is a separate component from the handle. Kolicheski does not cure the deficiencies of Wood. Thus, the Applicants respectfully submit that Wood and Kolicheski, neither alone nor in combination, teach or suggest each and every element of independent claim 20 and that independent claim 20 is allowable over Wood and Kolicheski. Claims 21-33 depend from claim 20 and are thus allowable for the reasons discussed with respect to claim 20, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 20, claim 22 is allowable for other reasons. Claim 22 has been amended to recite that the frame defines first and second angles that are obtuse with respect to the base in the XY-plane, and third and fourth angles that are acute with respect to an upper end of the handle in the XY-plane such that the frame is stackable. As discussed above with respect to claim 19, Wood does not teach or suggest the claimed angles or the stackability of the frame. Kolicheski does not cure the deficiencies of Wood. The frame illustrated in Kolicheski does not teach or suggest the claimed obtuse and acute angles in the XY-plane as the frame defines substantially right angles with respect to the base in the XY-plane. Kolicheski also does not teach or suggest a stackable frame. Thus, the Applicants respectfully submit that claim 22 is allowable over the cited references for the reasons discussed above, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 20, claim 24 is also allowable for other reasons. Claim 24 recites a frame as in claim 20, the handle including an integrally-formed accessory holder. The arguments presented above with respect to claim 9 apply equally to claim 24. The combination of Wood and Kolicheski does not teach or suggest each and every element of claim 24. Thus, the Applicants respectfully submit that claim 24 is allowable for the reasons discussed above, as well as for other reasons not discussed herein.

Further, in addition to the reasons discussed above with respect to claim 20, claim 28 is allowable for other reasons. Claim 28 recites a frame as in claim 20, the handle including a pair of downwardly extending support members that form an acute included angle with the base in the XY-plane. As discussed above with respect to claim 13, Wood does not teach a frame having the claimed angles. Kolicheski does not correct the deficiencies of Wood. The frame illustrated in Kolicheski includes downwardly extending members that form substantially right angles with the base. Thus, neither Wood nor Kolicheski, alone or in combination, does not teach nor suggest each and every element of claim 28. Thus, the Applicants respectfully submit that claim 28 is allowable for the reasons discussed above, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 20, claim 32 is allowable for other reasons. Claim 32 recites a frame as in claim 20, the first and second base support members each forming an obtuse included angle with the base in the XY-plane. As discussed above with respect to claim 17, Wood does not teach a support member forming the claimed

obtuse angle. Kolicheski does not correct the deficiencies of Wood. The frame illustrated in Kolicheski includes downwardly extending members that form substantially right angles with the base. Thus, neither Wood nor Kolicheski, alone or in combination, does not teach nor suggest each and every element of claim 32. Thus, the Applicants respectfully submit that claim 32 is allowable for the reasons discussed above, as well as for other reasons not discussed herein.

The Examiner has also rejected claim 23 under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Muiza. As discussed above, Wood does not teach or suggest an integrally formed one-piece frame. Muiza does not cure the deficiencies of Wood. Claim 23 depends from claim 20 and is thus allowable for the reasons discussed above with respect to claim 20, as well as for other reasons not discussed herein.

In addition to the reasons discussed above with respect to claim 20, claim 23 is allowable for other reasons. The arguments discussed above with respect to claim 8 apply equally to claim 23. There is no motivation to combine the Wood and Muiza references outside the Applicants' own disclosure. Thus, the Applicants respectfully request withdrawal of the 103 rejection of claim 23 based upon Wood and Muiza.

The Examiner has also rejected claims 34, 35, and 38-42 under 35 U.S.C. 103(a) as being unpatentable over Wood. Independent claim 34 recites, among other things, an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid including a base that supports a power unit, at least one base support member that supports the base on a surface, and a handle including an upper end a first support member defining a first axis, and a second support member defining a second axis. Once again, the Applicants respectfully submit that Wood does not teach an integrally formed one piece frame as the base of the Wood frame is not integrally formed with the handle. Thus, Wood does not teach or suggest each and every element of claim 34.

In addition, claim 34 recites that the first and second axes each form an acute angle with the upper end of the handle in the XY-plane. With reference to the Applicants' Fig. 5, the axes 70, 74 form acute angles F, E with respect to the upper end of the handle in the XY-plane. Wood does not teach or suggest the claimed axes. With reference to Fig. 8 of Wood, any axes defined by the handle support members 1-350 or 1-352 are substantially normal to the upper end of the handle and thus define substantially right angles in the XY-plane. Wood does not teach or suggest the angles claimed in claim 34.

Applicants respectfully submit that independent claim 34 is allowable for the reasons discussed above, as well as for other reasons not discussed herein. Claims 35-42 depend from claim 34 and are thus allowable for the same reasons as discussed with respect to claim 34, as well as for other reasons not discussed herein.

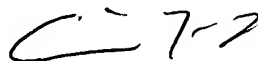
The Examiner rejected claims 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Kolicheski, et al. As discussed above, Wood does not teach or suggest an integrally formed one-piece frame. Kolicheski does not cure the deficiencies of Wood. Claims 36 and 37 depend from claim 34 and are thus allowable for the reasons discussed above with respect to claim 34, as well as for other reasons not discussed herein.

Conclusion

Based upon the reasons presented above, the Applicants respectfully submit that claims 1-4 and 6-42 are allowable over the cited references. Allowance of claims 1-4 and 6-42 is respectfully requested.

The undersigned is available for telephone conference.

Respectfully submitted,



Casimir F. Laska
Reg. No. 30,862

Docket No.: 039189-9074-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(262) 956-6507